Claims 1-21 are pending in the present application. Claims 7 and 17 were canceled. Claims 1, 11 and 21 were amended. Reconsideration of the claims is respectfully requested.

Applicants' attorney and the Examiner discussed the application by phone on July 8, 2008. Applicants, through their attorney, express appreciation to the Examiner for granting this interview and for the Examiner's helpful comments.

I.   35 U.S.C. § 103, Obviousness

The Examiner has rejected Claims 1, 3-4, 8-11, 13-14 and 18 under 35 U.S.C. § 103, as being unpatentable over U.S. Pat. Appl. Pub. 2005/0261945 to Mougin et al. (hereinafter "*Mougin*"). These claims were also rejected under 35 U.S.C. § 103 as being unpatentable over *Mougin*, in view of U.S. Patent No. 6,970,101 to Squire et al. (hereinafter "*Squire*"). The Examiner rejected Claims 2 and 5-6 under 35 U.S.C. § 103 as being unpatentable over *Mougin* in view U.S. Patent No. 5,940,481 to Zeitman (hereinafter "*Zeitman*"). The Examiner rejected Claims 12 and 15-16 under 35 U.S.C. § 103 as being unpatentable over *Mougin* in view of *Squire* and *Zeitman*. These rejections are respectfully traversed.

II.   Disclosure of Applicants

In making their invention, Applicants recognized that users of parking facilities very often have preferences in regard to the physical characteristics or parameters of the spaces in which they park. For example, a driver may wish to park a predetermined distance from an entrance or exit. Applicants recognized further that some users are likely to use the same parking facility frequently, on a number of successive occasions. Accordingly, Applicants sought to provide a mechanism whereby parking preferences for a user would be retained or stored at a parking facility in a database, over a length of time. Thus, each successive time that the user went to the facility, the user profile could be retrieved by a parking management system, merely from an identification of the user. The system would then use information in the retrieved profile to indicate which parking spaces, of those then available, would be most suitable for the user.

These teachings are set forth in Applicants' specification, such as at page 3, line 27 - page 4, line 8; page 8, lines 8-15; page 9, lines 9-15; page 15, lines 11-16; and Figure 2, which respectively read as follows:

> The parking management system of the present invention makes an intelligent recommendation for a parking spot. The management system identifies a user and retrieves the profile of the user from the profile data structure. The parking management system then searches the parking data structure for available spots

and <u>selects a spot or set of spots that most closely match the user's preferences.</u> The parking management system then presents the spot or set of spots to the driver. **[page 3, line 27 – page 4, line 8] (emphasis added)**
<u>Drivers provide profile information including parking preferences.</u> Each driver may be uniquely identified using, for example, a magnetic stripe card, bar code, smart card, or the like. <u>When a driver enters the parking structure, the driver is identified and a parking space is selected based on the driver's individual profile.</u> The selected space or set of spaces are presented to the driver. **[page 8, lines 8-15] (emphasis added)**

Profile database **224** contains profiles for users of the parking structure. A profile may include the size of the parking space desired in case the user drives a particularly large or small vehicle. The profile may also contain specific requirements or preferences, such as being on an end of a row, whether a pole is on one side or another, and distance from elevator, for example. **[page 9, lines 9-15]**

Many parking lots and garages require the use of an identification card or badge for admission. <u>This identification information may be used to retrieve personalized profiles for frequent users.</u> A card reader may be, for example, a magnetic stripe card reader, a bar code reader, or other card reader known in the art. **[page 15, lines 11-16] (emphasis added)**

FIG. 2
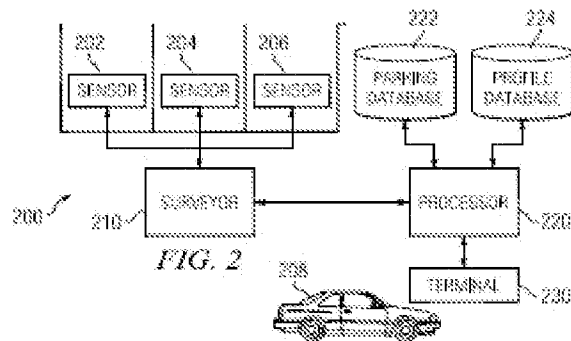
III. Rejection of Claim 1

Claim 1 reads as follows:

1. A method for providing location data concerning optimal parking spaces according to a user profile, comprising the steps of:

retentively storing a user profile in a profile database, wherein said user profile is stored for multiple retrievals at each of two or more successive times, and contains at least one user preference concerning preferred parking space parameters selected from a group that includes at least one of an indication of whether a pole is on one side of the parking space, a distance from an elevator lobby, a distance from an entrance or exit, and an indicator of whether the parking space is on an end of a row;

> providing a parking database including data concerning parking
> parameters for each of a plurality of parking spaces under the control of a parking
> management system;
>> determining a list of available parking spaces;
>> responsive to a user communication with the parking management
> system, retrieving from said profile database a previously stored user profile
> containing said at least one user preference, wherein said retrieval follows at least
> one previous retrieval of said user profile that was associated with at least one
> prior use of one of said parking spaces by said user; and
>> responsive to said user communication with the parking management
> system, providing an optimal available parking space based on the previously
> stored user profile, the parking database, and the list of available parking spaces.

In rejecting Claim 1, the Examiner cited sections of *Mougin* at paragraphs [0015], [0026], [0038], [0040]-[0042] and [0072]-[0073]. Cited sections of *Squire* include col. 8, lines 25-31 and col. 10, lines 18-37. Pertinent teachings of Mougin are also set forth at Figure 2 thereof, and at paragraphs [0063]-[0070], which describe respective steps or stages of Figure 2, which is set forth hereinafter.
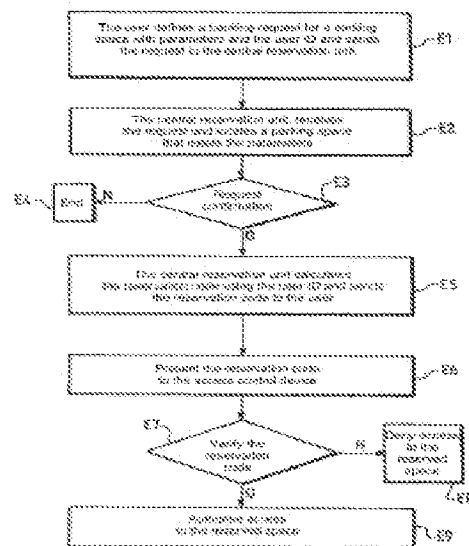

FIG.2

In order to establish *a prima facie* case of obviousness under 35 U.S.C. § 103, *Graham v. John Deere Co. of Kansas City*, 383 U.S. 1 (1966) requires determining, respectively, the scope and content of the prior art, the differences between the prior art and the claims at issue, and the level of ordinary skill in the pertinent art. Rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning, to support the legal conclusion of obviousness. *KSR Int'l. Co. v. Teleflex, Inc.*, No. 04-1350 (U.S. Apr. 30, 2007) (citing I*n re Kahn*, 441 F.3d 977, 988 (Canada Fed. 2006)). Additionally, the prior art reference (or references when

combined) must teach or suggest all the claim limitations. *In re Royka*, 490 F.2d 981. 180 USPQ 580 (CCPA 1974). The suggestion to make the claim combination must be found in the prior art, not in the Applicants' disclosure. *In re Vaek*, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991). Moreover, in accordance with **MPEP § 2142.02**, each prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention. *W.L. Gore & Associates, Inc. v. Garlock, Inc.,* 220 U.S.P.Q. 303 (Fed. Cir. 1993). A third essential requirement for establishing a prima face case, set forth in **MPEP § 2143.01**, is that the proposed modification cannot render the prior art unsatisfactory for its intended purpose.

In the present case, not all of the features of the claimed invention have been properly considered, and the teachings of the reference itself do not teach or suggest the claimed subject matter to a person of ordinary skill in the art. For example, *Mougin*, *Squire* and any other combination thereof fails to teach or suggest, in the over-all combination of Claim 1, any of the following features:

(1) Retentively storing a user profile in a profile database, wherein the user profile is stored for multiple retrievals at each of two or more successive times (hereinafter "Feature (1)").

(2) Responsive to a user communication with the parking management system, retrieving from the profile database a previously stored user profile containing at least one user preference, wherein the retrieval follows at least one previous retrieval of the user profile that was associated with at least one prior use of one of the parking spaces by the user (hereinafter "Feature (2)").

(3) The user profile stored in the profile database contains at least one user preference concerning preferred parking space parameters selected from a group that includes at least one of an indication of whether a pole is on one side of the parking space, a distance from an elevator lobby, a distance from an entrance or an exit, and an indicator of whether the parking space is on an end of a row (hereinafter "Feature (3)").

IV.   Claim 1 Distinguishes over Cited References

As described above, Applicants in making their invention recognized that some users would use the same parking facility frequently, at multiple, successive times. This is taught at Applicants' specification, such as at page 15, lines 11-16. In view of this recognition, Applicants further teach that a profile of preferences for a user is to be stored retentively, so that the profile can be retrieved each time

that the user comes to the facility for a parking space. To emphasize this capability, Feature (1) of Claim 1 recites retentively storing a user profile in a profile database, wherein the user profile is stored for multiple retrievals at each of two or more successive times. Feature (2) further emphasizes such capability by reciting that in response to a user communication with a parking management system, the profile database is retrieved from a previously stored user profile, containing at least one user preference, wherein the retrieval follows at least one previous retrieval of the user profile that was associated with at least one prior use of one of the parking spaces by the user.

In contrast to these recitations of Claim 1, *Mougin* discloses an arrangement, as exemplified by Figure 2 thereof, for enabling a user to reserve or book a parking space for use on only a single occasion. Figure 2 shows that at stage E1, a user sends a request to reserve a parking space to a central reservation unit. At stages E2-E5, a parking space is located that meets the request, the request is confirmed, and the user is sent a reservation code. At stage E6, when the user seeks to actually use the reserved parking space, the reservation code is presented to an access control device. The code is verified at E7, and at stage E9 the user is authorized to access the reserved parking space.

It is readily apparent from the *Mougin* disclosure that following stage E9, the procedure of Figure 2 comes to an end. Nowhere does *Mougin* teach that user information of Figure 2 is to be stored for later use, or for multiple retrievals at two or more successive times. The Figure 2 arrangement also fails to teach the retrieval of a user profile from a database that follows at least one previous retrieval of the user profile that was associated with at least one prior use of one of the parking spaces by the user. Thus, the exemplary teachings of Figure 2 fail to disclose either Feature (1) or Feature (2) of Applicants' Claim 1. Moreover, these features are not disclosed or suggested elsewhere in *Mougin*, such as at paragraphs [0040] – [0042] or [0072] – [0073] thereof.

Feature (3) of Claim 1 distinguishes over Mougin in reciting that the user profile stored in the profile database contains at least one user preference concerning preferred parking parameters selected from a group that includes at least one of an indication of whether a pole is on one side of the parking space; a distance from an elevator lobby; a distance from an entrance or exit; and an indicator of whether the parking space is on an end of a row. Feature (3) thus discloses user preferences that specifically relate to desirable structural or physical characteristics of a parking space and its environment. Elements of this feature were previously included in Claims 7 and 17, now canceled. *Mougin* does not show any of these elements of Feature (3), either at paragraphs [0076] thereof or elsewhere.

Neither *Squire* nor *Zeitman*, either alone or in combination with one another or *Mougin*, overcomes the deficiencies of *Mougin* in regard to Claim 1, as discussed above.

V.   Remaining Claims Distinguish over Cited References

Claims 11 and 21 are independent claims that incorporate patentable subject matter of Claim 1, and are each considered to distinguish over the art for at least the same reasons given in support thereof.

Claims 2-6 and 8-10 and 12-16 and 18-20 depend from Claims 1 and 11, respectively, and are each considered to patentably distinguish over the art for at least the same reasons given in support thereof.

VI.   Conclusion

It is respectfully urged that the subject application is patentable over the *Mougin*, *Squire* and *Zeitman* references and is now in condition for allowance.

The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

DATE: <u>July 15, 2008</u>

Respectfully submitted,

<u>/James O. Skarsten/</u>

James O. Skarsten
Reg. No. 28,346
Yee & Associates, P.C.
P.O. Box 802333
Dallas, TX 75380
(972) 385-8777
Attorney for Applicants